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8 **UNITED STATES DISTRICT COURT**  
9 **CENTRAL DISTRICT OF CALIFORNIA**

10 MICHAEL MCGINNIS and CYNDY  
11 BOULTON, individually, and on  
12 behalf of all others similarly situated;

13 Plaintiffs,

14 v.

15 COMMUNITY.COM, INC.;

16 Defendant.  
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Civil Case No.: 2:23-cv-02426-SB-JPR

**[PROPOSED] ORDER GRANTING  
STIPULATION TO DISMISS  
CLAIMS BASED ON DISMISSAL IN  
PRIOR RELATED MATTER**

1 Based on the Stipulation to Dismiss Claims Based on Dismissal in Prior  
2 Related Matter, and for good cause shown, the Court hereby ORDERS as follows:

- 3 • Plaintiffs' First Cause of Action for Violations of CIPA, California  
4 Penal Code § 631, is dismissed without leave to amend on the  
5 same terms and for the reasons stated in the Court's August 2,  
6 2021 Order granting in part and denying in part the Motion to  
7 Dismiss filed in *Adler v. Community.com, Inc.*, 21-cv-2416 (C.D.  
8 Cal.) [*Adler* ECF No. 32] (the "*Adler* Order");
- 9 • Plaintiffs' Fourth Cause of Action for Violations of ECPA, 18  
10 U.S.C. § 2511(1)(a), is dismissed without leave to amend on the  
11 same terms and for the reasons stated in the *Adler* Order;
- 12 • The parties' arguments made with respect to these CIPA and  
13 ECPA claims in the *Adler* Motion to Dismiss briefing and oral  
14 argument are incorporated by reference and preserved;
- 15 • Should discovery on any remaining claims that survive  
16 Defendant's forthcoming motion to dismiss reveal information that  
17 would cure the legal deficiencies identified in the *Adler* Order,  
18 Plaintiffs may seek leave to amend the operative complaint; and
- 19 • Unless such leave is granted, discovery will relate only to the  
20 remaining claims, if any, that survive Defendant's forthcoming  
21 motion to dismiss.

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23 **IT IS SO ORDERED.**

24 Dated: <Select>

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27 Stanley Blumenfeld, Jr.  
28 United States District Judge